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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
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9 **STANDING ORDER**
10 **U.S. MAGISTRATE JUDGE WAYNE D. BRAZIL**
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12 1. Please refer to Magistrate Judge Brazil's Notice of Unavailability before contacting
13 the court to place a matter on the calendar. The Notice of Unavailability is posted in the
14 clerk's office and published in the Recorder, the Daily Journal, and the court's internet
15 site at <http://www.cand.uscourts.gov>.
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17 2. The master criminal calendar for Oakland venued cases is held Monday through
18 Friday, beginning at 10:00 a.m., in Courtroom 4, Third Floor, United States
19 Courthouse, 1301 Clay Street, Oakland, California.
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21 3. All requests regarding additions or changes to the criminal calendar must be
22 directed to Magistrate Judge Brazil's **courtroom deputy, Ivy Garcia, at (510) 637-**
23 **3639**. The clerk's office requests **24 hours notice** for all matters requiring an
24 interpreter. The court will continue to make every effort to accommodate reasonable
25 "last minute" requests to add defendants to the 10:00 a.m. criminal calendar. The court
26 requests, however, that counsel, the probation officer, or the pretrial services officer
27 bring at least two extra copies of any pertinent documents so that the parties and the
28 court will have the information needed for the proceeding.

1 4. Assistant U.S. Attorneys and federal agents requiring assistance from the criminal
2 duty magistrate judge regarding complaints and/or requests for warrants are advised that,
3 unless otherwise noticed in the Notice of Unavailability, Magistrate Judge Brazil is
4 available Monday through Friday after the master criminal calendar -- typically, around
5 11:15 a.m. At all other times, prior to presenting matters that require immediate review,
6 please call Ms. Garcia at (510) 637-3639 to find out whether Magistrate Judge Brazil is
7 available in chambers.

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9 5. Civil law and motion is held on Wednesday afternoons. All requests regarding
10 the civil calendar must be directed to the **administrative law clerk, Elizabeth Oakes,**
11 **at (510) 637-3324.** Counsel (or an unrepresented party) must reserve a specific
12 hearing date and time with Ms. Oakes prior to noticing any motion for hearing. Motion
13 practice will be governed by the applicable Civil Local Rules. The Local Rules are
14 available from the clerk's office and may be viewed on the court's internet site at:
15 <http://www.cand.uscourts.gov>.

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17 6. Except as noted in paragraph 7, below, discovery disputes will be handled
18 according to the provisions of the Civil Local Rules then in effect. Specific questions
19 about situations not addressed by the Local Rules may be directed to Ms. Oakes at
20 (510) 637-3324.

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22 7. If a dispute arises during a discovery event the parties must attempt to resolve the
23 matter without judicial intervention by conferring in good faith. If good faith
24 negotiations between the parties fail to resolve the matter, and if disposition of the
25 dispute during the discovery event likely would result in substantial savings of expense
26 or time, counsel or a party may call Ms. Oakes at (515) 637-3324 to find out whether
27 Magistrate Judge Brazil is available to address the problem through a telephone
28 conference during the discovery event.

1 8. Unless otherwise ordered, parties to a civil matter may elect to appear at status
2 conferences and hearings by telephone. If the parties choose to appear by telephone,
3 the moving party (or, in the case of a status conference, the party designated by the
4 court) must initiate a conference call and then call the court's **conference line at (510)**
5 **637-3326** at the time noticed for the appearance, with all parties on the line. The calling
6 party also must notify Ms. Oakes at (510) 637-3324, at least 24 hours in advance of the
7 calendar call, that the parties plan to appear by telephone.

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9 9. All filings related to civil motions referred to Magistrate Judge Brazil must list the
10 civil case number and the District Judge's initials followed by the designation "(WDB)".
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12 10. On civil matters referred to Magistrate Judge Brazil where the presiding judge sits
13 in San Francisco, the parties must file their papers with the San Francisco clerk's office,
14 simultaneously providing a separate chambers copy that the clerk's office will send to
15 Magistrate Judge Brazil in Oakland. This copy must be marked clearly "WDB
16 CHAMBERS COPY." A party also should deliver a non-filed-endorsed courtesy copy
17 directly to Oakland if time is of the essence.
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19 11. The court no longer supplies a court reporter for most pre-trial proceedings. The
20 court will record the proceedings on audiotape, a copy of which may be obtained by
21 submitting a request to the clerk's office, accompanied by a check for \$15.00 payable
22 to the District Court. Include the title and number of the case, and the date and time of
23 the proceeding for which you are requesting the tape. If you wish to have a court
24 reporter present, please arrange it privately and notify Ms. Oakes at (510) 637-3324 that
25 a court reporter is expected.
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27 12. Settlement conferences are held Monday, Tuesday and Thursday afternoons
28 beginning at 2:00 p.m., in Courtroom 4, Third Floor, United States Courthouse, 1301
Clay Street, Oakland, California.

- 1 a. Unless otherwise ordered, **Confidential Settlement Conference**
2 **Statements** are due no later than seven **court** days prior to the date set for
3 the settlement conference. The Statement must be presented to the Clerk
4 of the Court, 4th Floor, South Tower, 1301 Clay Street, Oakland,
5 California, with instructions to lodge, *not file*, the Statement. Failure to
6 timely submit a settlement conference statement may result in sanctions.
- 7 b. Parties are not required to serve other parties with copies of Confidential
8 Settlement Conference Statements.
- 9 c. The Confidential Settlement Conference Statement must not exceed
10 twenty-five (25) pages of text and twenty-five (25) pages of exhibits and
11 must include the following:
- 12 (1) a brief statement of the facts of the case;
13 (2) a brief statement of the claims and defenses including, but not
14 limited to, statutory or other grounds upon which the claims are
15 founded, a forthright evaluation of the parties' likelihood of
16 prevailing on the claims and defenses, and a description of the major
17 issues in dispute;
18 (3) a summary of the proceedings to date;
19 (4) an estimate of the cost and time to be expended for further
20 discovery, pretrial and trial;
21 (5) the relief sought; and
22 (6) the party's position on settlement, including present demands and
23 offers and a history of past settlement discussions.
- 24 d. **Appearance at Settlement Conference** – Lead trial counsel must
25 appear at the Settlement Conference with the parties and with the person
26 or persons having full authority to negotiate and to settle the case. A party
27 may be excused from attending a settlement conference in person only
28 after a showing that personal attendance would impose an extraordinary or
otherwise unjustifiable hardship.

1 A party seeking to be excused must submit, **no fewer than 15 days**
2 **before the date set for the settlement conference**, a letter to the
3 Magistrate Judge, providing copies to all counsel. The letter must:

- 4 (1) set forth all considerations that support the request;
5 (2) state realistically the amount in controversy in the case;
6 (3) indicate whether the other party or parties join in or object to the
7 request; and
8 (4) be accompanied by a proposed order.

9 Any objection to the request to excuse personal appearance must be
10 submitted in writing to the Magistrate Judge within **two court days** of
11 receiving the request. Both the request and objection may be submitted in
12 letter form either by mail or facsimile to (510) 637-3327.

13 A party excused from appearing in person at a settlement conference
14 must be available to participate by telephone throughout the conference.
15 Any other special arrangements desired in cases where settlement authority
16 rests with a governing body also must be proposed in advance by a letter
17 to the court no later than 15 days prior to the date set for the settlement
18 conference.

- 19 e. **Continuation or Cancellation**-- Any request to continue the settlement
20 conference must be submitted in writing after consultation with the
21 opposing party or parties, and must indicate whether the other party or
22 parties join or object to the request. The parties are advised that the
23 normal lead time to schedule or reschedule a settlement conference before
24 Magistrate Judge Brazil is 45 to 60 days.
25 f. The parties must notify Ms. Oakes at (510) 637-3324 immediately if this
26 case is settled or otherwise terminated prior to the date set for the
27 settlement conference.
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IT IS SO ORDERED.

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Dated: _____

WAYNE D. BRAZIL
United States Magistrate Judge